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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**
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6 RAYMOND SHARPE,
7 Plaintiff,

8 v.

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10 LIEUTENANT RUIZ, et al.,
11 Defendant(s).
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Case No.: 2:22-cv-01624-MMD-NJK

Order

(Docket No. 1)

13 **I. DISCUSSION**

14 On September 22, 2022, Plaintiff, an inmate in the custody of the Southern Desert
15 Correctional Center, submitted a civil rights complaint under 42 U.S.C. § 1983. Docket No. 1-1.
16 Plaintiff did not pay the filing fee or submit an application to proceed *in forma pauperis*. Docket
17 No. 1. Plaintiff must either pay the filing fee or submit a complete application to proceed *in forma*
18 *pauperis* no later than **November 22, 2022**.

19 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a
20 civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action
21 without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must
22 submit all three of the following documents to the Court:

23 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's
24 approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3);

25 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
26 (i.e. page 4 of this Court's approved form); and

27 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
28 **six-month period**.

The Court will grant Plaintiff a **one-time extension** to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents. Plaintiff must file a fully complete application to proceed *in forma pauperis* on or before **November 22, 2022**. Absent unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff does not file a fully complete application to proceed *in forma pauperis* with all three required documents on or before **November 22, 2022**, this case will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to acquire all three of the documents needed to file a fully complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.

A dismissal without prejudice means Plaintiff does not give up the right to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before **November 22, 2022**, to proceed with this case.

The Court will retain Plaintiff's civil rights complaint, Docket No. 1-1, but the Court will not file the complaint unless and until Plaintiff timely files a fully complete application to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

II. CONCLUSION

For the foregoing reasons,

IT IS ORDERED that the Clerk of the Court will send Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that, on or before **November 22, 2022**, Plaintiff must either pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative fee) or file with the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page 3);

- 1 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
2 (i.e. page 4 of this Court's approved form); and
3 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
4 **six-month period.**

5 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
6 proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action
7 on or before **November 22, 2022**, this case will be subject to dismissal without prejudice for
8 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three
9 documents needed to file a complete application to proceed *in forma pauperis* or pays the the full
10 \$402 filing fee.

11 IT IS FURTHER ORDERED that the Clerk of the Court will retain Plaintiff's complaint,
12 Docket No. 1-1, but will not file it at this time

13 IT IS SO ORDERED.

14 DATED: September 26, 2022.

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19 NANCY J. KOPPE
20 UNITED STATES MAGISTRATE JUDGE
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